

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 17

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

JAN 29 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PEIJUN DING,
TONY CHIANG and BARRY L. CHIN

Appeal No. 2001-2544
Application 08/995,108

ORDER REMANDING TO EXAMINER

An examination of the file reveals that an Information Disclosure Statement (IDS) was filed May 19, 1998 (Paper No. 2). It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

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In addition, an amendment after final was filed by appellants on June 14, 2000 (Paper No. 8). The Advisory Action mailed July 6, 2000 (Paper No. 9) indicated that such amendment would be entered upon filing an appeal. Both the Appeal Brief filed November 21, 2000 (Paper No. 12) and the Examiner's Answer mailed February 13, 2001 (Paper No. 13) indicate that this amendment has been entered. A review of the record indicates the amendment was not entered.

Accordingly, it is

ORDERED that the application is remanded to the Examiner:

1. for consideration of the IDS filed May 19, 1998 (Paper No. 2) with appropriate notification to appellants;
2. for entry of the amendment filed June 14, 2000 (Paper No. 8) and written notification to appellants of the action taken; and
3. for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting

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the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
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By: 

CRAIG FEINBERG
Program and Resource Administrator
(703) 308-9797

CF:psb

cc: Patent Counsel
Applied Materials Inc.
P.O. Box 450-A
Santa Clara, CA 95052